

**Draft Summary of the Plenary Group Meeting
Oroville Facilities Relicensing (FERC Project No. 2100)
July 23, 2002**

The Department of Water Resources (DWR) hosted the Plenary Group meeting on July 23, 2002 in Oroville.

A summary of the discussions, decisions made, and action items is provided below. This summary is not intended to be a transcript, analysis of the meeting, or to indicate agreement or disagreement with any of the items summarized, except where expressly stated. The intent is to present an informational summary for interested parties who could not attend the meeting. The following documents are provided:

Attachment 1 Meeting Agenda
Attachment 2 Meeting Attendees
Attachment 3 Flip Chart Notes
Attachment 4 Process Update
Attachment 5 Work Group Report Schedule

Introduction

Attendees were welcomed to the Plenary Group meeting and objectives were discussed. The meeting agenda and list of meeting attendees with their affiliations are appended to this summary as Attachments 1 and 2, respectively. Meeting flip charts are included as Attachment 3.

Process Updates

Where We Are in the Process

Len Marino of DWR gave a presentation discussing where the collaborative is in the FERC Relicensing Process. His presentation is included as Attachment 4. Len explained that fieldwork has been initiated on a number of studies while the Plenary Group continues to approve fisheries studies developed by the Environmental Work Group. He mentioned that the development of Scoping Document 2 (SD2) early next year would be a collaborative effort similar to the effort that resulted in SD1. He reminded the Plenary Group that their immediate goal continues to be the approval of a complete study plan package and thus far, the Plenary Group has approved 61 study plans with eight more to be discussed and potentially approved at this meeting.

Work Group Abstracts

The Facilitator reminded the Plenary Group that abstracts covering the Work Group meetings held since the last Plenary Group meeting are provided as an attachment to the Plenary Group meeting agenda and full summaries are available on the Project web site.

Plenary Activities and Proposed Schedule

Ward Tabor of DWR discussed proposed agenda topics for both the Plenary Group and work groups through March 2003. He mentioned that the August agenda could be brief with only one additional study plan requiring review and suggested the Plenary Group consider holding the August meeting as a conference call. The participants agreed to re-visit this suggestion during the 'Next Steps' portion of the meeting agenda.

Ward explained that September would mark the beginning of Plenary Group discussions on SD 2 with a proposed outline offered by DWR, while the work groups will begin to discuss Protection, Mitigation, and Enhancement (PM&E) measures. Work groups will also begin to discuss the Project's cumulative effects and Endangered Species Act implications. DWR staff will provide a presentation on Oroville Facilities operations to the Plenary Group. In response to a participant question, Ward indicated that some discussion of modeling might occur, but the presentation would be designed primarily to provide participants with information about how the project is currently operated and what constraints currently exist, setting the stage for discussions of potential PM&E

measures. NEPA/CEQA coordination will also be discussed during the September Plenary Group meeting.

Ward explained that during October, Work Group participants would begin to evaluate early study results and begin to identify potential PM&E measures. Plenary Group participants will continue developing SD2 during October and November by discussing the project description and alternatives and will also be introduced to a Negotiation Framework tool. Ward indicated that participants would be mailed a model of the tool for review prior to the October Plenary Group meeting. Flood Management activities will be presented during the October Plenary Group meeting and a presentation of fisheries issues will occur during their November meeting. Several participants asked if droughts as well as flood control would be included in settlement discussions. Ward responded that those topics could be included in the October presentation and could be considered during settlement negotiations.

Ward briefly discussed the potential agenda topics from December 2002 through March 2003. He described activities in both the work groups and the Plenary Group to develop PM&E measures. Several participants voiced concern that the development and approval of PM&E measures during the January, February and March meetings was premature and requested the slides be revised by changing the phrase describing PM&E activity from 'Review/Approve' to 'Develop/Review'. The Plenary Group agreed with this revision and the slide was changed. Ward explained that SD 2 would likely be released in February 2003 and development of the National Historic Preservation Act Section 106 Programmatic Agreement would be crafted during March 2003. Ward's presentation is included in the Process Update appended to this summary as Attachment 4.

Action Items –June 25, 2002 Meeting Action Items

A summary of the June 25, 2002 Plenary Group meeting is posted on the relicensing web site. The Facilitator reviewed the status of action items from that meeting as follows:

- Action Item #P98:** Gantt chart update showing interim and final reports by Work Group by month.
- Status:** A report schedule developed by drawing scheduling information from the Gantt chart titled "Work Group Report Schedule" was distributed to Plenary Group participants. Participants were informed that during development of the Report Schedule, dates indicated in the Gantt chart by month only were arbitrarily assigned a due date within that month. The Work Group Report Schedule is appended to this summary as Attachment 5.
- Action Item #P99:** Data management protocol update.
- Status:** The data management protocol will be discussed at the September Plenary Group meeting.

Resolution of Issues for Conditionally Approved Study Plans (inform)

The Plenary Group discussed the status of the Conditionally Approved Study Plans with the following outcomes:

SP-W2

Steve Ford explained that the United States Fish and Wildlife Service (FWS) requested language clarifying the intent to collect 6 sediment samples regardless of water quality or fish tissue results. Eric Theiss with NMFS reported that NMFS is happy with the version as revised. The Environmental Work Group will finalize language addressing FWS concerns and bring the revised language back to the Plenary Group for approval.

SP-F2

Approved.

SP-F8
Approved.

Consent Calendar

The Plenary Group participants discussed the status of the two study plans included on the Consent Calendar from the June Plenary Group meeting, SP-F3.1 and SP-F1 and approved both for implementation.

Study Plan “Heartburn” Review

The Plenary Group participants reviewed three study plans for ‘heartburn’ issues. No ‘heartburn’ issues were raised and SP-F5/7, SP-F15 and SP-F21 were conditionally approved pending Environmental Work Group approval.

Interim Settlement Agreement (Signing Ceremony)

Ward Tabor congratulated the collaborative participants on the important milestone represented by the approval of the Interim Settlement Agreement for funding of Riverbend Park improvements. A great deal of effort went into negotiating the agreement and Ward commended all those involved. Scott Lawrence with Feather River Recreation and Parks District described the environmental review process currently underway and expressed his thanks to all who worked hard to negotiate the Interim Settlement Agreement. Ward briefly described the agreement and companion implementation agreement and read the signature page statement of support and commitment that is intended to indicate stakeholder and community member support for the collaborative process and Riverbend Park. He explained that all are invited to sign the agreement and assured participants that their signature did not represent any legally binding commitment on individuals or the organizations they may represent. The Facilitator congratulated the participants on their second anniversary of the collaborative process and invited all to celebrate with birthday cake.

Next Steps

The Plenary Group participants agreed that due to the brevity of agenda items for the next meeting, the August Plenary Group meeting could be held via conference call from 5 – 6 pm. The participants expect to be reviewing the remaining fisheries study plan, SP-F9 for heartburn issues and approving the study plans placed on the consent calendar pending Environmental Work Group approval during this meeting.

Next Meeting

The Plenary Group agreed to meet on:

Date: August 20, 2002

Time: 5:00pm – 6:00pm

Location: Via teleconference. Toll free number will be distributed with meeting notice.

Action Items

No new action items were identified during the Plenary Group meeting.

Carry over Action Item:

Action Item #P99: Data management protocol update.

Responsible: DWR

Due Date: September 24, 2002